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5 *Receiver*

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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12 COMMODITY FUTURES TRADING
13 COMMISSION,

14 Plaintiff,

15 v.

16 DENARI CAPITAL LLC, TRAVIS
CAPSON, and ARNAB SARKAR,

17 Defendants,
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Case No. 19-cv-07284-EMC

**DECLARATION OF FRED KOENEN IN
SUPPORT OF THIRD ADMINISTRATIVE
MOTION FOR AN ORDER PURSUANT TO
LOCAL RULE 7-11 FOR THE APPROVAL
OF FEES AND EXPENSES FOR
RECEIVER, DIAMOND McCARTHY LLP,
AND SCHINNER & SHAIN, LLP
THROUGH SEPTEMBER 30, 2020**

Date: No Hearing Set
Time: No Hearing Set
Judge: Edward M. Chen

1 I, Fred Koenen, declare:

2 1. I am an attorney duly licensed to practice in the State of California, and am of counsel
3 the firm of Schinner & Shain, LLP (“Schinner & Shain”), securities counsel of record for the
4 Receiver Kathy Bazoian Phelps in this case. I have personal knowledge of the matters set forth
5 below and if called as a witness, I would and could testify competently to the matters stated herein.

6 2. This declaration is made in support of the Third Administrative Motion for an Order
7 Pursuant to Local Rule 7-11 for the Approval of Fees and Expenses for the Receiver, Diamond
8 McCarthy LLP, and Schinner & Shain, LLP through September 30, 2020 (“Motion”).

9 3. On February 4, 2020, the Court entered an order (Doc. No. 44) authorizing the Receiver
10 to employ Schinner & Shain as the Receiver’s securities counsel (“Employment Order”). I am the
11 attorney principally responsible for representing the Receiver in Schinner & Shain’s capacity as
12 securities counsel. I directly supervised the professionals and staff of Schinner & Shain with respect
13 to this representation.

14 4. Schinner & Shain was retained by the Receiver for the limited purpose of serving as
15 securities counsel. For that reason, Schinner & Shain did not establish separate billing categories.
16 The billing statements itemizing the services provided by Schinner & Shain during the period July
17 1, 2020 through September 30, 2020 (the “Motion Period”) are attached as Exhibit “5.”

18 5. In the interests of the estate and pursuant to the Employment Order, Schinner & Shain
19 has reduced its rates by 10%.

20 6. Schinner & Shain performed 3.90 hours of services for total fees of \$1,950.00.

21 7. Schinner & Shain’s services during the Motion Period included reviewing the Capson
22 settlement agreement; reviewing the Sierra Gold, LLC and the United Resource Holdings Group,
23 Inc. stock purchase and sale agreements; and discussing with the Receiver the application for court
24 order requesting issuance of electronic stock certificates.

25 8. I have read the Motion and the billing statements attached to this declaration. To the
26 best of my knowledge, information and belief formed after reasonable inquiry, all the fees requested
27 in the attached billing statements are true and correct.

28 9. The fees that Schinner & Shain have charged are limited, reasonable, necessary, and

1 commensurate with the skill and experience required for the activity performed. Schinner & Shain's
2 services and time expenditures are reasonable in light of the labor required for the matters for which
3 Schinner & Shain was retained and the balancing that must be performed to efficiently and effectively
4 represent the Receiver in the limited capacity as securities counsel. Schinner & Shain respectfully
5 submits that it has not expended time unnecessarily and that it has rendered efficient and effective
6 services.

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I declare under penalty of perjury that the foregoing is true and correct. Executed on this 30th
day of October, 2020 at San Francisco, California.



Fred Koenen

EXHIBIT 5

Schinner & Shain, LLP
 96 Jessie Street, San Francisco, CA 94105
 Telephone: (415) 369-9050
 Fax: (415) 369-9053

October 19, 2020

Kathy Bazoian Phelps, Receiver SRA Litigation
 c/o Diamond & McCarthy, LLP
 1999 Avenue of the Stars, 11th Floor
 Los Angeles, CA 90067-440

File #: 3674-2
 Inv #: 79392

RE: Denari Capital

DATE	TIMEKEEPER	DESCRIPTION	HOURS	AMOUNT
Jul-02-20	FKK	Review and comment upon settlement agreement and moving papers for G. Capson settlement.	1.30	650.00
Jul-03-20	FKK	Prepare e-mail to D. Castleman transmitting edits to Capson settlement agreement.	0.60	300.00
Jul-06-20	FKK	Review stock purchase and sale agreements for Sierra Gold and URHG shares; prepare e-mails to D. Castleman regarding purchase and sale agreements.	1.70	850.00
Sep-02-20	FKK	Prepare e-mail to K. Bazoian-Phelps regarding application for court order requesting issuance of electronic stock certificates.	0.30	150.00
Totals Hours and Fees			3.90	\$1,950.00

Current Fees & Disbursements	\$1,950.00
Previous Balance	6,850.00
Payment Received Aug 25/20	6,850.00
TOTAL BALANCE NOW DUE	\$1,950.00

*1.5% late fee automatically applied after 30 days
 Payments can be made at www.schinner.com. Call us to switch to Paperless Billing.*

Billing Rates of Professionals
FKK: \$500.00 Per Hour (10% Discount From Standard Rate)